

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:16-00136-2

LUCI JANE MCCORMICK

PROBATION REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On January 7, 2019, the United States of America appeared by Ryan A. Saunders, Assistant United States Attorney, and the defendant, Luci Jane McCormick, appeared in person and by her counsel, Mark McMillian, for a hearing on the petition seeking revocation of probation and amendment thereto submitted by United States Probation Officer Kara Dills. The defendant commenced a three-year term of probation in this action on February 16, 2017, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on February 22, 2017.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of probation in the following respects:

(1) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by her on August 9, 2018, for morphine; and a positive urine specimen submitted by her on December 11, 2018, for marijuana and benzodiazepines; (2) the defendant failed to contact the probation officer on July 2, 2018, as instructed; (3) the defendant failed to submit a monthly report for the months of September and October, 2018; (4) the defendant failed to attend individual outpatient substance abuse counseling as directed by the probation officer as set forth in Violation No. 4; (5) the defendant failed to report for random urine screens as instructed on July 27, August 17 and 29, September 5, 17 and 27, October 8, 17 and 26, November 2, 7, 15 and 28, and December 6, 2018; and (6) the defendant has failed to make any payments toward her special assessment; all as admitted by the defendant on the record of the hearing and all as set forth in the petition seeking revocation of probation.

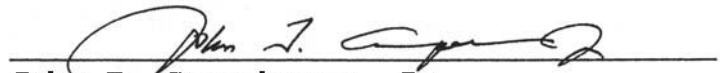
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of probation and, further, that it would unduly depreciate the seriousness of the violations if probation were not revoked, it is ORDERED that the probation previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and she hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FOUR (4) MONTHS, to be followed by a term of one (1) year of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special condition that she participate in and successfully complete the 9 to 12 month residential substance abuse treatment program at Recovery Point, or a comparable program, commencing immediately upon her release. The defendant

shall travel directly, without interruption, from her place of incarceration to the program, with transportation to be provided by her daughter. The court hereby reimposes the \$100 special assessment.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: January 9, 2019



John T. Copenhaver, Jr.
Senior United States District Judge